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C O N F I D E N T I A L SECTION 01 OF 02 ADDIS ABABA 001195

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E.O. 12958: DECL: 04/30/2016

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SUBJECT: UN HIGH COMMISSIONER FOR HUMAN RIGHTS FOCUSES ON  
HIGH PROFILE TRIAL OF CUD DETAINEES

REF: A. ADDIS 1187

[¶](#)B. ADDIS 926

Classified By: Charge d'affaires a.i. Janet Wilgus for reasons 1.4 (b)  
and (d)

[¶](#)1. (C) Summary. At the end of her three-day trip to Addis Ababa April 23-26, U.N. High Commissioner for Human Rights Louise Arbour legal analysis is needed in the high profile trial of the opposition Coalition for Unity and Democracy (CUD) leadership, civil society representatives and journalists, which should include consistent legal observation and ongoing commentary. A trial of this magnitude and political weight (111 defendants are facing charges of outrage against the constitution and most face "attempt to commit genocide") is a huge burden on the judiciary which, she predicted, would erode its credibility. (Note: The trial is to resume on May 2nd. End note.) End summary.

[¶](#)2. (C) U.N. High Commissioner for Human Rights Louise Arbour gave selected chiefs of mission a read-out of her April 23-26 visit to Ethiopia that focused on civil and political rights. She told COMs that she followed the developing situation in Ethiopia, and had written to the Prime Minister but had not spoken out publicly as her under resourced office lacked the ability to provide the necessary analysis. Nevertheless, she said, Ethiopia is a high priority country for her office and she is looking to draw on UN resources (such as the human rights officer assigned to the UN Mission to Ethiopia and Eritrea (UNMEE)) to increase the capacity to monitor Ethiopia.

Prison Visit

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[¶](#)3. (C) Mme. Arbour met with six detainees individually:

-- CUD Chairman Engineer Hailu Shawel, whom she described as defiant and can be expected to further politicize the trial;

-- CUD Executive committee member Dr. Yakob Hailemariam, with whom Mme. Arbour had worked at the International Criminal Tribunal for Rwanda in prosecuting genocide cases. This meeting was quite emotional, she said, as Dr. Yakob had no advance knowledge that he would be meeting with Mme. Arbour. She described his spirit as broken, and speculated that he would be willing to cut a deal so as to be able to return to the U.S.;

-- human rights activist Professor Mesfin Woldemariam;

-- human rights activist Netsanet Demissie, of the Organization for Social Justice in Ethiopia, who, with two other civil society detainees, has tried to get a separate trial; and is willing to engage legally;

-- journalist Serkalem Fassil (F), who is seven months pregnant;

-- teacher Mulunesh Ababayehu (F), who is not among the 111 "Hailu Shawel" detainees; Mme Arbour reported that she said she has not yet appeared in court and does not know the charges against her.

Bail...

¶4. (C) Mme. Arbour found the lack of bail for the detainees "not acceptable" for the length of detention. She said that while the government states that the charges are "not bailable," legislation allowing this is not in conformity with Article 196 of the Constitution. In fact, she said, the government has painted itself into a corner that it will be difficult to get out of. Bail is necessary from a political point of view as well, she said, in order to "lower the temperature" and give space. The government, she said, is seeking to divide the opposition by keeping them in jail without bail.

...Genocide charge and a long trial...

¶5. (C) She said she is appalled at the charge of genocide or attempted genocide. Only international tribunals have successfully concluded trials on genocide charges, and these

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trials have been complex and lengthy. It is unrealistic to expect the trial to be handled expeditiously. It is possible that some of the detainees will boycott the trial which will then become a space for political combat. In fact, she stated, the Ethiopian judiciary is being burdened with a task that will impinge on its credibility and independence, and from which it will take a long time to recover. Legal analysis is needed, to include consistent legal observation of and commentary on the high profile trial.

¶6. (C) In any event the trial will raise the profile of the detainees. If it is a speedy, continuous trial (which is unlikely, she said), visibility will increase as they are seen frequently. If the trial drags on, with frequent adjournments, that too will provoke an outcry. Nor can the government control the legal proceedings themselves; some detainees may cooperate, others may resist any legal proceedings. There may be a motion for severance as there are incompatible defenses. At the trial the government will also be forced to put its evidence on the public record.

¶7. (C) In her meeting with Prime Minister Meles he emphasized that "the law must run its course." In a private aside at the end of the meeting she said that she told him that it is up to him to make a move to diffuse the political predicament as he is the one in power. She told COMs that a face-saving measure is needed, and the government may have to find a way to recast the charges.

Stay engaged

¶8. (SBU) COMs asked Mme. Arbour and her office to stay engaged, particularly in providing expert legal analysis of the human rights dimensions of the trial. She recommended that COMs look at other avenues to open side routes for democratic human rights-based dialogue, such as working with the National Human Rights Commission to develop a national human rights plan and a participatory forum.

¶9. (C) Mme. Arbour will be attending the AU Heads of State Summit in Banjul, The Gambia, in July, when she plans to meet with PM Meles again. She said she would also be willing to meet with Addis-based COMS attending the AU meeting. She said she will encourage other international leaders to encourage the PM to make a conciliatory move on the detainees.

UN Human Rights Council

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¶10. (C) On the new UN Human Rights Council, Mme. Arbour said that she had discussed African candidates with AU Chairperson Konare, expressing her disappointment that an African bloc of 13 candidates had been proposed for its 13 seats on the council. This defeated the new election process and architecture of the council, of focusing on the merits of each candidate. Nevertheless, she commented, the list of 13 did not include any egregious human rights offenders.

Comment

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¶11. (C) Mme. Arbour's visit, just a few days before the high profile trial is set to begin in earnest on May 2nd, cast the political confrontation in a new light by focusing on the legality of human rights aspects of the trial. While her messages to the government are somewhat similar to those conveyed by other international visitors, the weight of her office and legal background may give pause.

WILGUS